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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 3-05-70327-EDL
	)	
Plaintiff,	)	<del>PROPOSED</del> ORDER EXCLUDING
	)	TIME UNDER THE SPEEDY TRIAL ACT
v.	)	
	)	
THOMAS KEITH CASEBEER,	)	
	)	
Defendant.	)	
	)	

This matter came on the calendar of the Honorable Maria-Elena James on February 14, 2006 for status. The Court continued the matter until April 7, 2006 at 9:30 a.m. for further status and/or arraignment on a superseding information.

The parties requested an exclusion of time under the Speedy Trial Act from February 14 through April 7, 2006 for effective preparation of government counsel. The case agent, SA Brent Burmester, left ICE on January 20, 2006, and this case has been assigned to a new agent. Meanwhile, the U.S. Postal Inspection Service's forensics laboratory has been assisting ICE in analyzing the defendant's computer. The review of the computer has not been completed.

No. CR 3-05-70327-EDL  
~~PROPOSED~~ ORDER EXCLUDING TIME  
UNDER THE SPEEDY TRIAL ACT

In light of the need for government counsel to review the evidence and prepare a superseding information, the parties agree that the time between February 14 and April 7, 2006 should be excluded under the Speedy Trial Act for effective preparation and continuity of counsel. See 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

Accordingly, the Court HEREBY ORDERS that the time from February 14 through April 7, 2006 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the failure to grant the requested exclusion would deny the government reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The Court further finds that the ends of justice served by granting the requested exclusion outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. See 18 U.S.C. § 3161(h)(8)(A). The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A).

IT IS SO ORDERED.

DATED: February 27, 2006

  
HONORABLE MARIA ELENA JAMES  
UNITED STATES MAGISTRATE JUDGE

Approved as to form:

/s/ Edward Swanson  
EDWARD SWANSON  
Attorney for Defendant

/s/ Monica Fernandez  
MONICA FERNANDEZ  
Assistant United States Attorney